

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5565 of 2015**

Nikanu Kerketta S/o Shri Lallu Kerketta, Aged about 20 years,
R/o village Semarakathara, Police Chowki Dawara, Police
Station Rajpur, District Balrampur (CG)

---- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police
Station Rajpur, District Balrampur (Chhattisgarh).

---- Respondent

For Applicant	:	Shri R. R. Soni, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/10/2015**

This is the second bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who was arrested on 05.05.2013 in connection with Crime No. 71 of 2013 registered at PS Rajpur, District Balrampur for the offence punishable under Sections 342, 506B & 376(1) of IPC and Section 5(m) of the Protection of Children from Sexual Offences Act, 2012.

2. The first bail application of the applicant was dismissed by this Court on merit vide order dated 17.06.2014.

3. Counsel for the applicant submits that the repeat bail application has been filed only on the ground that the trial is getting prolonged unnecessarily for no fault on the part of the applicant. Counsel for the applicant fairly submits that almost all the prosecution witnesses have been examined except for one or two departmental witnesses who for some reasons are avoiding to be examined and therefore the applicant may be released on bail.

4. Per contra, counsel for the State opposes the application for grant of bail.

5. Considering the total facts and circumstances of the case particularly the fact that the first bail application of the petitioner has already been rejected by this Court on merit and also considering the age of the prosecutrix, this Court is not inclined to release the applicant on bail at this juncture.

6. Accordingly, the application for grant of bail is rejected.

7. However, it is directed that the Court below shall take all necessary steps for ensuring the presence of the prosecution witnesses so that the trial is concluded at the earliest.

(P. Sam Koshy)
JUDGE

Bhola